



# City of Sunnyvale

## Meeting Minutes City Council

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Tuesday, December 19, 2017

4:30 PM

Council Chambers and West Conference  
Room, City Hall, 456 W. Olive Ave.,  
Sunnyvale, CA 94086

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**Special Meeting: Closed Session- 4:30 PM | Regular City Council Meeting- 7 PM | Special Joint Meeting of the City Council and the Sunnyvale Financing Authority-7 PM (or as soon thereafter as the matter may be heard)**

### **4:30 P.M. SPECIAL COUNCIL MEETING (Closed Session)**

Vice Mayor Larsson announced the items for Closed Session and invited any members of the public to provide public comments before convening to Closed Session.

#### **1 Call to Order in the West Conference Room**

Vice Mayor Larsson called the meeting to order at 4:33 p.m.

#### **2 Roll Call**

**Present:** 7 - Mayor Glenn Hendricks  
Vice Mayor Gustav Larsson  
Councilmember Jim Griffith  
Councilmember Larry Klein  
Councilmember Nancy Smith  
Councilmember Russ Melton  
Councilmember Michael S. Goldman

Councilmember Goldman arrived at 4:47 p.m.

#### **3 Public Comment**

No speakers.

#### **4 Convene to Closed Session**

[17-1176](#) Closed Session held pursuant to California Government Code Section 54957.6:  
CONFERENCE WITH LABOR NEGOTIATORS  
Agency designated representatives: Kent Steffens, Interim City Manager; Teri Silva, Interim Assistant City Manager  
Employee organization: Communication Officers Association (COA)

[17-0980](#) Closed Session held pursuant to California Government Code Section 54957.6:  
CONFERENCE WITH LABOR NEGOTIATORS  
Agency designated representatives: Council Compensation Subcommittee Members Glenn Hendricks, Jim Griffith, Russ Melton  
Unrepresented employee: City Manager

[17-1043](#) Closed Session held pursuant to California Government Code Section 54956.8: CONFERENCE WITH REAL PROPERTY NEGOTIATORS  
Property: "Block 15 Affordable Housing Site" located at 365-407 S. Mathilda Avenue and 388-406 Charles Street (APNs 165-13-045, 165-13-046, 165-13-068, 165-13-069, 165-13-073, 165-13-074)  
City negotiators: Interim City Manager Kent Steffens, Director of Community Development Trudi Ryan, Housing Officer Suzanne Isé  
Negotiating parties: The Related Companies of California, LLC  
Under negotiation: Price and terms of payment for a proposed long-term ground lease of City property (Exclusive Negotiating Agreement)

[17-0238](#) Closed Session held pursuant to California Government Code Section 54957: PUBLIC EMPLOYEE PERFORMANCE EVALUATION  
Title: City Attorney

## **5 Adjourn Special Meeting**

Vice Mayor Larsson adjourned the meeting at 6:45 p.m.

**7 P.M. COUNCIL MEETING****CALL TO ORDER**

Mayor Hendricks called the meeting to order.

**SALUTE TO THE FLAG**

Mayor Hendricks led the salute to the flag.

**ROLL CALL**

**Present:** 7 - Mayor Glenn Hendricks  
Vice Mayor Gustav Larsson  
Councilmember Jim Griffith  
Councilmember Larry Klein  
Councilmember Nancy Smith  
Councilmember Russ Melton  
Councilmember Michael S. Goldman

**CLOSED SESSION REPORT**

Vice Mayor Larsson reported the Council met in Closed Session pursuant to California Government Code Section 54957.6: Conference with Labor Negotiators; Agency designated representatives: Kent Steffens, Interim City Manager; Teri Silva, Interim Assistant City Manager, Employee organization: Communication Officers Association (COA); nothing to report.

Vice Mayor Larsson reported the Council met in Closed Session pursuant to California Government Code Section 54957.6: Conference with Labor Negotiators; Agency designated representatives: Council Compensation Subcommittee Members Glenn Hendricks, Jim Griffith, Russ Melton, Unrepresented employee: City Manager; nothing to report.

Vice Mayor Larsson reported the Council met in Closed Session pursuant to California Government Code Section 54956.8: Conference with Real Property Negotiators, Property: "Block 15 Affordable Housing Site" located at 365-407 S. Mathilda Avenue and 388-406 Charles Street (APNs 165-13-045, 165-13-046, 165-13-068, 165-13-069, 165-13-073, 165-13-074), City negotiators: Interim City Manager Kent Steffens, Director of Community Development Trudi Ryan, Housing Officer Suzanne Isé, Negotiating parties: The Related Companies of California, LLC; Under negotiation: Price and terms of payment for a proposed long term ground lease of City property (Exclusive Negotiating Agreement); nothing to report.

Vice Mayor Larsson reported the Council met in Closed Session pursuant to California Government Code Section 54957: Public Employee Performance Evaluation, Title: City Attorney; nothing to report.

**PRESENTATION**

[17-1096](#)

PRESENTATION - Update from VTA Policy Advisory Board on El Camino Real Bus Rapid Transit

Jeannie Bruins, City of Los Altos Councilmember and El Camino Real Bus Rapid Transit Policy Advisory Board Chair, and Adam Burger, Senior Transportation Planner, Valley Transportation Authority, provided an update on the pilot project and a PowerPoint presentation.

**ORAL COMMUNICATIONS**

Councilmember Smith announced Sunnyvale's new minimum wage rate of \$15 per hour effective January 1.

David Wessel withdrew his prior request to create an ad hoc citizen's committee with respect to formulating an ordinance regarding AB 1505. Wessel also spoke in support of a dedicated center lane for the bus service project and a focus on bicycle safety.

Adina Levin, Friends of Caltrain, spoke regarding the El Camino bus service proposal and in support of a dedicated center lane.

**CONSENT CALENDAR**

MOTION: Vice Mayor Larsson moved and Councilmember Klein seconded the motion to approve the Consent Calendar.

The motion carried by the following vote:

**Yes: 7 -** Mayor Hendricks  
Vice Mayor Larsson  
Councilmember Griffith  
Councilmember Klein  
Councilmember Smith  
Councilmember Melton  
Councilmember Goldman

**No: 0**

**1.A**     [17-0208](#)     Approve City Council Special Meeting Minutes of December 8, 2017

Approve the City Council Special Meeting Minutes of December 8, 2017 as submitted.

**1.B**     [17-0201](#)     Approve the List(s) of Claims and Bills Approved for Payment by the City Manager

Approve the list(s) of claims and bills.

- 1.C**      [17-1104](#)      Authorize Issuance of Purchase Order for a Gas Chromatography Mass Spectrometer (GCMS) with Purge & Trap Concentrator/Autosampler at the Water Pollution Control Plant (F17-167)

Authorize the issuance of a purchase order in the amount of \$114,149 to Thermo Electron North America, LLC, aka Thermo Fisher, excluding sales tax, in substantially the same form as Attachment 2 to the report, to furnish a Gas Chromatography Mass Spectrometer (GCMS) with Purge & Trap Concentrator/Autosampler, as required by the Environmental Services Department.

- 1.D**      [17-1028](#)      Approve Grant Agreement with MidPen Housing Corp. for the Persian Drive Sidewalk Project and Approve Budget Modification No. 30 to Appropriate an Additional \$324,500 to the Project, for a Total of \$973,000

Approve Budget Modification No. 30 in the amount of \$324,500 to increase the budget for Project 832040 for a new total of \$973,000; Approve the Grant Agreement with MidPen Housing Corp for the Persian Drive Sidewalk Extension, and Authorize the City Manager to execute the Grant Agreement in a final form as approved by the City Attorney.

- 1.E**      [17-0386](#)      Receive and File FY 2016/17 Annual Status Report on Receipt and Use of Development Impact Fees and Adopt a Resolution Approving Findings Regarding Unspent Impact Fees (Exempt from CEQA pursuant to Section 15378(b)(4) of the CEQA Guidelines)

Receive and file FY 2016/17 Annual Status Report on receipt and use of development impact fees and adopt a Resolution making findings regarding unspent impact fees as required by the Mitigation Fee Act (California Government Code Section 66000 et seq.).

**ADJOURN TO SPECIAL JOINT MEETING OF THE CITY COUNCIL AND SUNNYVALE FINANCING AUTHORITY**

Mayor Hendricks adjourned the meeting to the Special Joint Meeting of the City Council and Sunnyvale Financing Authority at 7:48 p.m.

**CALL TO ORDER**

Mayor / Authority Board Chair Hendricks called the meeting to order.

**ROLL CALL**

Present: 7 - Mayor / Authority Member Hendricks  
Vice Mayor / Authority Member Larsson  
Councilmember / Authority Member Griffith  
Councilmember / Authority Member Klein  
Councilmember / Authority Member Smith  
Councilmember / Authority Member Melton  
Councilmember / Authority Member Goldman

**PUBLIC COMMENT (ON SPECIAL MEETING ITEMS ONLY)**

No speakers.

**GENERAL BUSINESS**

**2.A**      [17-1051](#)      Approve Joint City Council and Sunnyvale Financing Authority  
Meeting Minutes of June 20, 2017

Sunnyvale Financing Authority

MOTION: Authority Member Klein moved and Authority Member Larsson seconded the motion to approve the Joint City Council and Sunnyvale Financing Authority Meeting Minutes of June 20, 2017 as submitted.

The motion carried by the following vote:

Yes: 7 - Mayor / Authority Member Hendricks  
Vice Mayor / Authority Member Larsson  
Councilmember / Authority Member Griffith  
Councilmember / Authority Member Klein  
Councilmember / Authority Member Smith  
Councilmember / Authority Member Melton  
Councilmember / Authority Member Goldman

No: 0

**2.B**      [17-0159](#)      Receive and File the FY 2016/17 City and Sunnyvale  
Financing Authority Budgetary Year-End Financial Report and  
Approve Budget Modification No. 32

Assistant Director of Finance Kenn Lee provided the staff report and provided a PowerPoint presentation. Assistant Director Lee clarified that the carryover of special projects in Attachment 1 is included in the memo but was not included in the staff recommendation and it should be included as part of the motion if it is the will of the Council.

Public Hearing opened at 7:58 p.m.

No speakers.

Public Hearing closed at 7:58 p.m.

City Council:

MOTION: Vice Mayor Larsson moved and Councilmember Smith seconded the motion to approve Alternative 1: Receive and file the FY 2016/17 City Budgetary Year End Financial Report and Approve Budget Modification No. 32 adjusting General Fund Revenue, Capital Improvement Projects Reserve and the Budget Stabilization Fund, and approve the carryover of special projects listed in Attachment 1 to the report.

The motion carried by the following vote:

Yes: 7 -      Mayor / Authority Member Hendricks  
                 Vice Mayor / Authority Member Larsson  
                 Councilmember / Authority Member Griffith  
                 Councilmember / Authority Member Klein  
                 Councilmember / Authority Member Smith  
                 Councilmember / Authority Member Melton  
                 Councilmember / Authority Member Goldman

No: 0



Sunnyvale Financing Authority:

MOTION: Authority Member Larsson moved and Authority Member Melton seconded the motion to approve Alternative 1: Receive and file the FY 2016/17 Sunnyvale Financing Authority Budgetary Year-End Financial Report.

The motion carried by the following vote:

Yes: 7 - Mayor / Authority Member Hendricks  
Vice Mayor / Authority Member Larsson  
Councilmember / Authority Member Griffith  
Councilmember / Authority Member Klein  
Councilmember / Authority Member Smith  
Councilmember / Authority Member Melton  
Councilmember / Authority Member Goldman

No: 0

**ADJOURN SPECIAL MEETING**

Mayor Hendricks adjourned the Special Joint Meeting of the City Council and the Sunnyvale Financing Authority to resume the regular Council meeting at 8:01 p.m.

**RECONVENE TO CITY COUNCIL MEETING**

Mayor Hendricks called the regular Council meeting to order at 8:01 p.m.

**PUBLIC HEARINGS/GENERAL BUSINESS**

- 3      [17-1194](#)      Confirm Study Area for the Kifer North Precise Plan (Larger area) or Modify to Include Fortinet Parcels Only (Smaller area); Authorize the City Manager to Enter into Agreements with Ascent Environmental to complete the Planning Study and Environmental Document, and Hexagon Transportation Consultants to complete the associated Transportation Impact Analysis; and Approve Budget Modification No. 33 in the amount of \$322,500 if the Larger Area is Confirmed

Senior Planner George Schroeder presented the staff report and provided a PowerPoint presentation. Director of Community Development Trudi Ryan provided additional information.

Councilmember Klein and Councilmember Goldman disclosed that they met with Fortinet.

Vice Mayor Larsson disclosed spoke with the representatives of Fortinet by telephone.

Councilmember Smith disclosed she met with Fortinet to discuss the application.

Larry Burnett, Senior Director, Real Estate and Facilities, Fortinet, provided information regarding the project and requested selection of a smaller planning area.

Public Hearing opened at 8:23 p.m.

No speakers.

Public Hearing closed at 8:23 p.m.

MOTION: Councilmember Melton moved and Councilmember Klein seconded the motion to approve Alternative 2: Modify and select a smaller study area for the Fortinet parcels only; no further action by the City Council is required as the City Manager is authorized to enter into consultant agreements when no City funding is required.

The motion carried by the following vote

**Yes: 7 -** Mayor Hendricks  
Vice Mayor Larsson  
Councilmember Griffith  
Councilmember Klein  
Councilmember Smith  
Councilmember Melton  
Councilmember Goldman

**No: 0**

- 4**      [17-0976](#)      Approve Agreement between the City of Sunnyvale and Bay Area Children's Theatre for Use of City Facilities at a Below-Market Rate of \$24,000 for the Period January 5, 2018 through March 25, 2018

Director of Library and Community Services Cynthia Bojorquez presented the staff report.

Public Hearing opened at 8:32 p.m.

No speakers.

Public Hearing closed at 8:32 p.m.

MOTION: Councilmember Klein moved and Vice Mayor Larsson seconded the motion to approve Authorize the City Manager to execute an Agreement between the City of Sunnyvale and Bay Area Children's Theatre for Use of City Facilities from January 5, 2018 through March 25, 2018, substantially in the same form as Attachment 2 of the report, at a discounted rental fee of \$600 per performance, for a maximum rental fee of \$24,000, when all necessary conditions have been met.

The motion carried by the following vote:

**Yes: 7 -** Mayor Hendricks  
Vice Mayor Larsson  
Councilmember Griffith  
Councilmember Klein  
Councilmember Smith  
Councilmember Melton  
Councilmember Goldman

**No: 0**

**5**      [17-1049](#)      Award a Contract for Fair Oaks Park Renovation Project and  
Park Design Standards for Construction Project (F17-176)

Interim Director of Public Works Craig Mobeck presented the staff report and provided a PowerPoint presentation.

Public Hearing opened at 8:45 p.m.

No speakers.

Public Hearing closed at 8:45 p.m.

MOTION: Councilmember Smith moved and Vice Mayor Larsson seconded the motion to approve Alternatives 1 and 2: 1) Award a contract not to exceed \$1,081,511 to Verde Design, Inc. for design and construction support for Fair Oaks Renovation Project and Park Design Standards for Construction Project, in substantially the same form as Attachment 1 to the report, and authorize the City Manager to execute the contract when all necessary conditions have been met and find that the procurement process for the Park Design Standards for Construction portion is in the best interest of the City; and 2) approve a contract contingency in the amount of \$108,151.

The motion carried by the following vote:

**Yes:** 7 - Mayor Hendricks  
Vice Mayor Larsson  
Councilmember Griffith  
Councilmember Klein  
Councilmember Smith  
Councilmember Melton  
Councilmember Goldman

**No:** 0

- 6      [17-1172](#)      Adopt a Resolution Approving an Exception to the CalPERS 180-Day Waiting Period for Work After Retirement for Brice McQueen, Senior Management Analyst in the Department of Finance

Director of Finance Tim Kirby provided the staff report.

Public Hearing opened at 8:47 p.m.

No speakers.

Public Hearing closed at 8:47 p.m.

MOTION: Councilmember Smith moved and Vice Mayor Larsson seconded the motion to approve Alternative 1: Adopt a resolution approving the exception to the CalPERS 180 day wait period and appointment of Brice McQueen to the Casual Management 2 position (Government Code Sections 21221(h), 21224 and 7522.56).

The motion carried by the following vote:

**Yes: 7 -**    Mayor Hendricks  
                 Vice Mayor Larsson  
                 Councilmember Griffith  
                 Councilmember Klein  
                 Councilmember Smith  
                 Councilmember Melton  
                 Councilmember Goldman

**No: 0**

**COUNCILMEMBERS REPORTS ON ACTIVITIES FROM INTERGOVERNMENTAL COMMITTEE ASSIGNMENTS**

None.

**NON-AGENDA ITEMS & COMMENTS**

**-Council**

Councilmember Melton reported that he has asked that a decision of the Planning Commission on December 11, 2017 regarding 2017-7248, 838 Azure Drive, be called for review by the City Council.

Councilmember Goldman stated he agrees with the call for review.

City Attorney John Nagel stated the Municipal Code requires the request be made in writing.

Councilmember Griffith proposed a study issue to examine the effectiveness and need for greater service in terms of WiFi access at City public locations.

Councilmember Klein co-sponsored the study issue.

**-City Manager**

Interim City Manager Kent Steffens recognized outgoing Interim Director of Public Works for his six years of service to the City.

Director of Finance Tim Kirby reported on the pricing of storm water bonds that were approved for refinancing at the December 12 Council meeting.

**INFORMATION ONLY REPORTS/ITEMS**

[17-1102](#) Tentative Council Meeting Agenda Calendar

[17-0856](#) Information/Action Items

[17-0766](#) Board/Commission Meeting Minutes

**ADJOURNMENT**

Mayor Hendricks expressed appreciation to Council and staff for their service to the City in 2017.

Mayor Hendricks adjourned the meeting at 8:54 p.m.